

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

RCN TELECOM SERVICES, INC.
Employer

and

Case No. 2-RC-22817

**LOCAL 1101 OF THE COMMUNICATIONS
WORKERS OF AMERICA**
Petitioner

DECISION AND ORDER DISMISSING PETITION

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, the Board has delegated its authority in this proceeding to the Regional Director, Region 2.

Upon the entire record¹ in this proceeding², it is found that:

1. The Hearing Officer's rulings are free from prejudicial error and hereby are affirmed.

2. The parties stipulated and I find that RCN Telecom Services, Inc. (the Employer), a Pennsylvania corporation with an office and place of business located at 825 Third Avenue, New York, New York provides video, telephone, voice and high speed data to residential and business customers located throughout the New York Metropolitan area. Annually, in the course and conduct of its operations, the Employer derives gross revenues in excess of \$100,000 and purchases goods and materials valued in excess of \$5,000 directly from suppliers located outside the state of New York.

¹ The Employer has submitted a motion to correct certain transcript errors. The Employer's motion has been granted and made a part of the record herein.

² The briefs submitted by the Employer and Petitioner have been carefully considered.

Accordingly, I find that the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The parties stipulated and I find that Local 1101 of the Communications Workers of America (the Petitioner), is a labor organization within the meaning of Section 2(5) of the Act.

4. A question affecting commerce does not exist concerning the representation of certain employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and 2(7) of the Act.

5. In its petition, amended at the hearing, Petitioner seeks to represent all customer satisfaction technicians 1, 2, and 3, lead customer satisfaction technicians, system maintenance technicians, 1, 2 and 3, lead system maintenance technicians, audit technicians, CPE/warehouse technicians, data technicians, lead data technicians, video/head-end & hub technicians, lead video/head-end & hub technicians, switch technicians, lead switch technicians, transport technicians, lead transport technicians, and facility maintenance technicians employed by the Employer at its facilities located at 560 Washington Street, 1133 York Avenue, 1133 Avenue of the Americas (also known as 1133 Sixth Avenue), and 825 Third Avenue, New York, New York, excluding guards, professional employees, and supervisors as defined in the Act. There were no issues raised by the parties to the inclusion of the above-mentioned classifications in an appropriate unit for bargaining and the only issue in dispute at the hearing was whether the petitioned-for unit was an appropriate unit because it omitted classifications set forth in the above unit description who report to the Employer's facility in Woodside, Queens.

THE PREVIOUS PETITION

On March 22, 2002, a Decision and Direction of Election was issued in Case No. 2-RC-22505, which petition had been filed by a different labor organization, NABET, Local 16, CWA, AFL-CIO. That Union sought to represent the same unit of employees as Petitioner seeks in this case. After the Decision and Direction of Election was issued, the petition was withdrawn and no election was conducted.

In the prior case the Employer had contended that the unit sought was inappropriate, because it excluded the employees in the petitioned-for unit who worked at the Employer's facilities in the borough of Queens and at the warehouse in the Bronx. The inclusion of certain classifications was also disputed. The Employer argued that its facilities in all three boroughs constituted

one administrative unit within the Employer's corporate structure, which it referred to as the New York market.

In the prior decision it was found that the Employer, which engaged in the business of providing telephone, cable television and high-speed Internet services to residential and business customers throughout the United States, was organized into service areas that were grouped regionally. The Eastern Region was comprised of Boston, New York City (Manhattan/Queens/Bronx), Carmel, NY, Central New Jersey, Lehigh Valley and Philadelphia, PA. In the New York area, both the Manhattan and Queens locations had separate infrastructures or "fiber backbone" through which the Employer's fiber optic network operated. However, the Manhattan and Queens infrastructures were linked by a "fiber feed" so that signals could be transmitted between the networks.

The Manhattan and Queens branches each had their own general manager, senior manager for human resources and business manager for accounting. Each of the two branches had a separate operating budget and the Employer marketed each borough differently because of discrete customer composition. The Employer maintained separate Human Resources departments in Manhattan and Queens. Hiring, firing and promotions of employees, were handled by local supervisors, in conjunction with the local human resources department. Employees were reviewed by their local supervisors, with oversight from corporate headquarters.

The record in the prior case established that customer service technicians reported to an installation and repair supervisor, who in turn reported to the director of operations. The director of operations reported to the area general manager. The general manager for Manhattan and the general manager for Queens reported to a Senior Vice-President, who had responsibility for the entire Eastern Region. However, certain technicians (i.e. switch technicians) reported to a separate manager who reported to the Director of the Network at the Princeton, New Jersey headquarters. The "head end" technicians reported to a head end manager who was located in Queens, but was responsible for the technicians Level 3 and 4 at both Queens and Manhattan. The dispatchers, provisioning agents and TRG reported to their respective first-line supervisors in Queens, who reported to the director of service delivery. The director of service delivery reported to both general managers.

While each service center also has a smaller warehouse for inventory and customer devices, the Employer operated a centralized warehouse in the Bronx. All of the warehousemen report to a manager who is stationed in the Bronx. The driver, who reported to the Bronx warehouse distributed materials and supplies from the Bronx warehouse to service centers located in both Queens and Manhattan.

The Employer's job descriptions and hiring standards were the same for both Manhattan and Queens and were generated by the Employer's Human Resources department based at its corporate headquarters in Princeton. All employees were covered by the same compensation and benefits plans, as set forth in the Employee Handbook. The Employer maintained the employees' personnel files and processes the employees' time sheets and payroll at its corporate headquarters in Princeton.

The training group based in Queens provided the mandatory training for both the Manhattan and Queens employees based on a curriculum developed at the Employer's Princeton headquarters. The customer service technicians (CST) were trained separately due to the distinct nature of the clients in the different boroughs.

It appeared that transfers among technicians were not commonplace, although an uncertain number of transfers had occurred. Work orders, along with any necessary equipment were transmitted to a dispatcher located in either Manhattan, Queens or Carmel, NY. The dispatcher monitored the flow of work performed by the CST, and would reorganize the field service schedules when necessary. When the TRG, who was located in Queens, was unable to correct a problem through "remote" techniques, he or she could add the customer service repairs to a CST's route to be performed during his or her shift.

In the prior case it was concluded that the record established (1) that the Manhattan and Queens locations were distinct and identifiable territories; (2) that there were specific training required for the each area because of territorial differences; (3) that the technicians in Manhattan lack a community of interest with the dispatching operations in Queens; (4) that employee interchange did not occur with any regularity and there was no evidence regarding transfers between technicians and dispatchers. While the management of the Employer's organization was centralized on a corporate, each area was separately managed and autonomous in its daily workings with respect to the petitioned-for employees in such areas as hiring, firing and promotions. Additionally, each office had a separate budget. Based upon the above, the petitioned-for grouping of technicians employed in the Employer's Manhattan location, which was a separate and independent geographic region, was found to be an appropriate unit for collective bargaining.

THE EMPLOYER'S CURRENT STRUCTURE

The record discloses that the Employer has significantly restructured its New York operations, since the issuance of the decision in the prior case in 2002. At the present time, the Employer continues to provide cable television, telephone, and high-speed Internet services to residential and commercial customers in New York, Massachusetts, Pennsylvania, Washington, D.C., Illinois, and California. The New York market, which now includes customers in

four of the five boroughs of New York City³, operates out of facilities located in Manhattan and Queens, New York. Customers in The Bronx, who receive only cable television services from the Employer, and Brooklyn are serviced by the closest techs. While customers in Brooklyn would be serviced by a tech from Queens, it appears that a tech who was closest to the customer would be dispatched to the other two Boroughs.

THE EMPLOYER'S HEADQUARTERS

The Employer is an operating unit of RCN Corp., a holding company. The Employer's corporate headquarters located in Princeton, New Jersey, offers various management services to its field operations. Each geographic area has its own general manager, who reports directly to the senior management at the Princeton headquarters. Each market has its own fiber optic system and structure which is used to receive and transmit signals to the customers. Each market has its own equipment, employees, operating budget, and human resources personnel who implement the policies of the corporate human resources department at the headquarters.

Corporate headquarters provides each of the Employer's markets, from New England to California, with centralized payroll services. Headquarters also houses the corporate human resources department, headed by an employee relations director, who oversees the personnel functions of the Employer's nationwide operations, including the design of the health and welfare benefit plans. The Employer's benefits are the same regardless of the market where employees are employed. Within the past two years, the Employer's corporate employee services department updated and revised the employee handbook which sets forth the Employer's policies for all of its employees nationwide. Additionally, the Employer's policies regarding sexual harassment, staff training, and punctuality, among other policies, were distributed to each market's management staff by the corporate employee services department.

THE EMPLOYER'S NEW YORK OPERATIONS

In or about 2001, the Employer commenced its operations in Queens, New York, and opened the Queens market with its own general manager, management team, human resources services, physical plants, training program, and staff. The general manager of each market is responsible for the implementation of the corporate policies in his or her market. In or about July 1, 2003, the Employer merged its Manhattan and Queens markets because it believed that this would allow it to become more profitable and efficient. Where previously Manhattan and Queens markets each had a separate general manager, since July 1, 2003, Senior Vice President and General Manager P. K. Ramani has overseen and administered the consolidated New York market

³ The Employer does not provide services in Staten Island, New York.

consisting of its facilities located in Manhattan and Queens.⁴ Since July 1, 2003, a single marketing director has replaced the separate marketing directors who had been responsible for the Manhattan and Queens markets, and is responsible for marketing and sales within the new New York market. It appears that the new marketing director has implemented a more scientific and focused marketing strategy than the previous marketing plans. There is now one facilities manager who has replaced the separate facilities managers for Manhattan and Queens.

The Employer has also phased out its Bronx warehouse which had previously received all converter boxes and other equipment. Since the consolidation, all equipment is now received at the Queens facility and then divided up depending on where it was needed and is then shipped to either 1133 York Avenue or 560 Washington Street in Manhattan.

Where previously training was conducted in either Manhattan or Queens, depending on the employees' reporting location, training is now conducted in the Queens facility for all employees

THE EMPLOYER'S FIBER OPTIC NETWORK

As was the case prior to the corporate restructuring, the Employer maintains facilities and equipment to receive satellite signals at a main station. The Employer referred to the facility where the signals are received as an "Earth Station", "Mega-Pop", or "head-end". General Manager Ramani testified that there was one Earth Station and located in Woodside, Queens that received all signals and routed them to the six hubs which are located in Manhattan and the three hubs located in Queens. The hubs join the signals and package them for transmission to the customers. The Manhattan hubs service Manhattan customers and the Queens hubs service the Queens customers. Head-end manager William Almayda stated that different people use different terminology and that he prefers to call the main receiver the head-end. Almayda also testified that there is a main head-end in Manhattan and one in Queens and that they communicate with each other. There was no dispute that the signals were transferred to the six Manhattan and three Queens hubs. From the hub, the signals are transported through nodes to the customers' premises. While the customer base in Queens is primarily single home owners, the Manhattan clientele primarily resides in multiple dwelling locations, such as apartment buildings, including cooperative and condominium apartment buildings.

Switches are used to provide the Employer's customers with telephone services, the Employer's second product. There is a switch station in Woodside, Queens and one located at 560 Washington Street in Manhattan. As 911

⁴ The small market previously housed in Carmel, New York was sold and the Employer's operations there closed in early 2004.

emergency contact capability requires uninterrupted service, each location provides backup service for the other in the event of any disruption of service.

The remaining product sold by the Employer is high speed internet services. This is called CMT service or DHCP service. All data signals come into the Employer's facility at 560 Washington Street in Manhattan and are distributed to its customers.

THE EMPLOYER'S ENGINEERING AND OPERATIONS DEPARTMENT

The employees sought by the petition are all employed in the engineering and operations department of the Employer. Some of these technician positions are field positions, while others require monitoring at the various sites in Manhattan and Queens.

Ivan Rivera has served as the Employer's Director of Operations of the Manhattan and Queens consolidated market since July 1, 2003. He previously served in that position for the Queens market only. He oversees the day-to-day operations of the head-ends, switch, and installation and repair departments. He manages the following classifications of employees: transport and switch technicians, video head-end and hub technicians, data technicians, and customer satisfaction technicians 1, 2, and 3. Rivera estimated that the facilities he manages are in close proximity to each other.⁵ The operations managers, senior switch manager, switch manager, head-end manager and ops managers report to Rivera.

The Head-end Manager Almayda is the supervisor of the head-end and hub facilities in Manhattan and Queens and the first-line supervisor of the video head-end and hub technicians and the data technicians. In this position Almayda oversees the head-end operation of the Employer. The head-end technician processes all video, audio and data signals that are received at the Employer's head-end sites. The data technicians, also referred to as modem technicians by Almayda, handles the Employer's high speed internet services. There are two data technicians technicians, who are also supervised by Almayda. One is assigned to Manhattan and one, with the title of lead data technician, is assigned Queens. The data technicians cover for the other during vacation and sickness. The head-end and hub technicians, who also report to Almayda. Three head-end technicians and a lead head-end technician are assigned to Manhattan and one is assigned to Queens. They are jointly responsible for the operation and maintenance of video, audio, and satellite signals for the consolidated New York market. During weekends, evenings and during on-call shifts, one technician on provides service for the Manhattan and Queens areas. Technicians are in

⁵ Rivera estimated that it was only 3-and-a-half miles from the Woodside, Queens facility to the 1133 York Avenue, Manhattan facility. It is approximately 10 miles between the Manhattan facilities located at 1133 York Ave. and 560 Washington Street.

communication telephonically with their counterpart in the other area during their shift.

Switch technicians and lead switch technicians maintain the telephone equipment which enables the customer to get a dial tone and use the telephone services provided by the Employer. They also monitor the services and provide preventive maintenance, unscheduled maintenance and upgrades. Transport technicians and lead transport technicians are primarily responsible for the interconnection between the Employer and Verizon, as a local provider of phone service and the long distance carriers as well. Two Switch technicians and a lead switch technician report to the Queens facility and two switch technicians report to a Manhattan site. They work on switches for both Manhattan and Queens regardless of their reporting location. They report to Switch Manager Kam if assigned to Queens and to Switch Manager Rudmann in Manhattan. Kam and Rudmann report to Ivan Rivera. The transport technicians and lead transport technicians also work in both Queens and Manhattan and report respectively to Kam and Rudmann.

Customer satisfaction technicians 1, 2 and 3 and lead customer satisfaction technicians are responsible for the installation and repair of all three of the Employer's products. They received work-order assignments each morning and go to those locations to perform any required service, such as installing upgrades, handling trouble calls, and performing disconnects. As part of the installation process, they will enter the customer's premises and install the converter box or modem. The process is the same for customer satisfaction technicians reporting to Manhattan or those reporting to Queens. For those customers located in Brooklyn, the Employer will send a technician from Queens as part of the Employer's policy on assigning the technician who was closest to the customer. In Queens, the customer satisfaction technician and lead customer satisfaction technician report directly to Operations Manager Michael Barone who reports directly to Director of Operations Ivan Rivera. In Manhattan, they report either to Operations Manager Greg Linen or Operations Supervisor Al Rivera, or to Operations Manager Eugene Quirk or Operations Supervisor Randy Villanueva, who themselves report to Ivan Rivera. While customer satisfaction technicians reporting to Manhattan have no interaction with their counterparts from Queens, Kevin Simon and Paul Montanez, customer satisfaction technicians reporting to Manhattan, testified that they have attended training sessions in Queens with customer satisfaction technicians who report to that location. Montanez also had a brief two-week assignment to work in Queens with a customer satisfaction technician who was assigned there. Both Simon and Montanez noted that they have little interaction with the Manhattan technicians who do not perform field work and only minimal contact with the system maintenance technicians who also perform their duties out in the field.

The Employer employs system maintenance technicians 1, 2 and 3 and lead system maintenance technicians who maintain the tap, which was described

as the location where a customer's home or business was connected to the Employer's network. This connection depends upon how the customer's dwelling was constructed. Ramani explained that where the customer satisfaction technicians work ended, the system maintenance technicians' work began. They repair wiring and restore service after outages. On occasion the customer satisfaction technicians may need to visit the customer's residence to resolve the problem. As with the other major field classification here, the customer satisfaction technicians are assigned to either Manhattan or Queens. Those assigned to Manhattan report to Outside Plant Manager Steve Hutra and those assigned to Queens report to Outside Plant Manager Charles Dennis. Hutra and Dennis report to Senior Director of Engineering and Operations Dave McKee.

As discussed above, the corporate restructuring of July 1, 2003, included the elimination of the Bronx warehouse. Now all equipment is received in Queens and is shared with Manhattan according to need. CPE/Warehouse technicians handle the reception of the goods and the distribution. There are CPE/Warehouse technicians in Queens and in two Manhattan locations. Part of the duties of this classification include travel from Manhattan to Queens and vice versa. The warehouse manager is Joseph Spadafora who travels between both locations. The Employer also employs an audit technician and a facility maintenance technician, both of whom are assigned to Manhattan locations.

DISCUSSION

IMPACT OF PREVIOUS DECISION

Petitioner, citing *Federal Electric Corporation Western Test Range Division*, 191 NLRB 859 (1971), contends that the prior decision issued in 2002, involving the same petitioned-for unit employees, should not be relitigated absent a showing of "significant changes". To the contrary, the Employer objects to any consideration of the previous decision. The Employer opposed the Hearing Officer taking official notice of the prior record and moved to strike all portions of the Petitioner's brief which referred to the previous record. The Employer's motion to strike portions of Petitioner's brief is denied. It is appropriate for an administrative agency to take official notice of its own proceedings. The Regional Director acts pursuant to the delegated authority of the Board, an administrative agency of the United States, in the processing of representation petitions. See Rules and Regulations, Series 8, Sections 102.60 through 102.72 and 102.77(b). As such it is within a Regional Director's discretion to take official notice of a decision that was previously issued in the matter. The amount of weight that the previous findings are to be given, however, depends upon whether there are significant differences in the underlying facts upon which the previous decision had been predicated. The parties here were fully afforded an opportunity to litigate the present structure of the Employer's operation and to establish what, if any, changes have occurred in the interim. The decision herein is based upon the entire record.

APPROPRIATE UNIT ANALYSIS

Section 9(b) of the Act states that the “Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, or subdivision thereof.”

The Act does not require that a unit for bargaining be the only appropriate unit, the ultimate unit or even the most appropriate unit. Rather, the Act requires only that the unit be an appropriate unit. The Board has held that in determining whether a petitioned-for unit is appropriate, the unit sought by the petitioning union is always a relevant consideration. *Lundy Packing Co.*, 314 NLRB 1042 (1994). And, the Board generally tries to select a unit that is the smallest appropriate unit encompassing the petitioned-for employees. *Bartlett Collins Co.*, 334 NLRB 484 (2001).

The Petitioner has requested a unit composed of technicians who report to, and work at or are dispatched from, the Employer’s Manhattan facilities. In *Trane, an Operating Unit of American Standard Companies*, 339 NLRB No. 106 (2003), the Board looked at the appropriateness of a bargaining unit comprised of HVAC technicians who, like certain of the technicians herein, were dispatched to work on customers’ dwellings or offices. The Board in *Trane*, supra, considered the various unit contentions of the parties under a single versus multi-location analysis. In the previous petition involving this Employer, it was noted that the unit issue involved a geographical grouping of classifications. In analyzing the facts set forth in the record, it was found that the New York market was a well-defined geographical areas and an appropriate unit for collective-bargaining purposes. *Metropolitan Life Insurance Company*, 156 NLRB 1408 (1966).

The Board has long held that a single location unit is presumptively appropriate for collective bargaining. *Ohio Valley Supermarkets, Inc. d/b/a Foodland of Ravenswood*, 323 NLRB 665,666 (1997); *J&L Plate*, 310 NLRB 429 (1993); *Bowie Hall Trucking*, 290 NLRB 41 (1988). The presumption in favor of a single location unit can only be overcome “by a showing of functional integration so substantial as to negate the separate identity of a single-facility unit.” *Id.* Thus, with respect to unit determinations regarding employees in single/multi-location units, the Board has long held that a single location unit is presumptively appropriate for collective bargaining. *Ohio Valley Supermarkets, Inc. d/b/a Foodland of Ravenswood*, supra; *J&L Plate*, supra; *Bowie Hall Trucking*, supra. The presumption in favor of a single location unit can only be overcome “by a showing of functional integration so substantial as to negate the separate identity of a single-facility unit.” *Id.*

To determine whether the single facility or location presumption has been rebutted, the Board examines a number of community of interest factors including (1) central control over daily operations and labor relations, including

the extent of local autonomy; (2) similarity of employee skills, functions and working conditions; (3) the degree of employee interchange; (4) the distance between locations; and (5) bargaining history, if any exists. *J&L Plate, Inc.*, supra at 429; *Trane*, supra, slip op. at 3. And while the Board has never found it necessary to adduce “overwhelming evidence . . . illustrating the complete submersion of the interests of employees” at a single location, it is also the case that the party opposing the single-facility unit has a heavy burden of rebutting its presumptive appropriateness. *Trane*, supra, slip op. at 2 (citing *Petrie Stores Corp.*, 266 NLRB 75,76 (1983)).

In the instant case, the technicians in the borough of Manhattan are all employed within the Engineering and Operations Department of the Employer. It must be noted that these technicians all perform varied distinct functions while working to assure that the Employer’s product is delivered to its customers. A majority of these technicians perform their duties at the consumers’ premises. Others perform their job functions in the relative isolation of their duty stations at one of the four Manhattan locations. The customer satisfaction technicians working in the field do so independent of other technicians and report to their own first line supervisors. The same is true of the customer satisfaction technicians who report to Queens. A customer satisfaction technician who testified at the hearing noted that he did not interact with the office-bound technicians in Manhattan at all and only had extremely limited contact with the system maintenance technicians. It does appear, however, that the technicians reporting to and working at Manhattan locations share supervision with their Queens counterparts and work in a highly integrated fashion with each other. They are also in daily contact with each other.

Petitioner’s argument here, as was the argument made by the union in the prior case, is that Manhattan constitutes a separate and distinct geographical area of the Employer’s operation. Although that conclusion was appropriate in March 2002, that no longer appears to be the case at the present time.

The Employer has reconstituted its operations in the consolidation of July 1, 2003, and, as a result, the separate identity of Manhattan as a separate market has been obliterated. The record shows that the Employer now provides services to all New York City boroughs except Staten Island in a highly integrated manner. There is no longer a separate general manager for the Manhattan and Queens markets as a general manager now directs the consolidated management team. The Employer, who receives corporate-wide support from the headquarters in Princeton, now provides human resource services, budgeting, facilities management, finance and accounting, and marketing services through one team serving both areas. Training which previously had been done separately, is now presented to the employees from both reporting areas in combined sessions at least twice a year. Although it appears that interchange among the field technicians remains somewhat limited, this factor alone, particularly in light of the highly integrated nature of the new operation, is not

sufficient to warrant the conclusion that Manhattan as a reporting location continues to be a separate and distinct geographic location. Thus, the Employer has met its burden of establishing a functional integration so substantial as to negate the separate identity of the single-location unit sought by the Petitioner. *R & D Trucking, Inc.*, 327 NLRB 531 (1999). The Board held in *Waste Management Northwest*, 331 NLRB 309 (2000) that an employer had rebutted the single-facility presumption, even absent evidence of substantial employee interchange where, as here, the evidence otherwise established a functional integration of the operations; centralized control over labor relations; lack of local autonomy in Queens; common supervision of several classifications of employees at both locations; similar terms and conditions of employment; and interaction and coordination between the two groups. *Neodata Product/Distribution*, 312 NLRB 987 (1993). Based upon a consideration of all the circumstances involved herein, the petitioned-for unit does not constitute a unit appropriate for collective bargaining. Accordingly, and because the Petitioner has stated that it would proceed to an election only in the unit it has sought in this case,

IT HEREBY IS ORDERED that the petition in this matter be, and it hereby is, dismissed.⁶

Dated at New York, New York,
May 7, 2004

/s/ Elbert F. Tellem
Acting Regional Director, Region 2
National Labor Relations Board
26 Federal Plaza, Room 3614
New York, New York 10278

Code: 420-6280
440-3300

⁶ Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 Fourteenth Street, NW, Washington, D.C. 20570. This request must be received by the Board by **May 21, 2004**.